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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
02/741,843	12/22/2000	Shu-on Leung	018733-0996	9659
22428	7590	12/18/2003	EXAMINER	
FOLBY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			SCHWADRON, RONALD D	
			ART UNIT	PAPER NUMBER
			1644	

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/741,843		LEUNG ET AL.	
	Examiner		Art Unit	
	Ron Schwadron, Ph.D.		1844	

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address ~

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 95-149 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☐ Claim(s) ____ is/are rejected.

7) ☐ Claim(s) ____ is/are objected to.

8) ☒ Claim(s) 95-149 are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.

14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848) 5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

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1. This application contains claims directed to the following patentably distinct species of the claimed invention.

The various different nucleic acids encoding a particular antibody. For example, the nucleic acid encoding the antibody of SEQ. ID. NO:2 and 4, or the nucleic acid encoding the antibody of claim 111, etc).

These are different antibodies with different sequences.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Ron Schwadron whose telephone number is (703) 308-4680. The examiner can normally be reached Monday through Thursday from 7:30 to 6:00. A message may be left on the examiners voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or


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relating to the status of this application should be directed to the Group 1600
receptionist whose telephone number is (703) 308-0196.

Ron Schwadron, Ph.D.
Primary Examiner
Art Unit 1644


RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1600

Atty. Dkt. No. 018733-0996

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Shui-on LEUNG et al.

Title: IMMUNOCONJUGATES AND HUMANIZED ANTIBODIES SPECIFIC FOR
B-CELL LYMPHOMA AND LEUKEMIA CELLS

Appl. No.: 09/741,843

Filing Date: 12/22/2000

Examiner: Ronald B. Schwadron

Art Unit: 1644

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RESPONSE TO RESTRICTION REQUIREMENTMail Stop NON-FEE AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

In a timely response to the restriction requirement set forth in the Office Action mailed December 18, 2003 Applicant hereby provisionally elects claims directed to a polynucleotide sequence encoding an antibody that contains one or more CDRs from SEQ ID NOS: 2 and/or 4 (amino acid sequences of the variable light and heavy chain murine LL2 monoclonal antibody) or components of these antibodies, such as individual CDRs, light chain variable regions or heavy chain variable regions containing these CDRs. Applicants therefore elect claims 95-110, 113-117, 120, 121, and 124-133, 136-143, and 146-149 for examination, with traverse. These elected claims are directed to polynucleotide sequences that encode antibody or antibody components containing one or more of these CDRs.

The Examiner has required restriction between claims to polynucleotides to different antibodies. Applicants submit that the claims directed to polynucleotides encoding entire murine variable light and heavy chain regions as claimed in claims 118, 119, 134, 135, 144 and 145 also encode the same CDRs as in the elected claims and should be examined with the elected claims. Applicants respectfully request reconsideration of the Examiner's position.

-1-

002.1138040.1

Atty. Dkt. No. 018733-0996

In regard to the election of species, the Examiner has indicated that upon the allowance of a generic claim, additional species which contain the limitations of the generic claims would be allowable. Accordingly, applicant requests full examination of the generic claims once the elected species is found allowable.

Reconsideration of the restriction requirement is therefore respectfully requested as indicated above. Applicants, of course, reserve the right to file one or more divisional applications covering the subject matter of the non-elected claims and species. Examination on the merits is kindly requested.

Respectfully submitted,

Date January 20, 2007

FOLEY & LARDNER

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By James D. Skelton
for Stephen B. Macbius Reg. No. 34,485
Attorney for Applicant
Registration No. 35,264

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.